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**Drawing Amendments**

There are no amendments to the drawings.

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**Remarks**

The Office Action of 09/18/2007 rejected claims 1-5 and 9-12 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent No. 5,828,626 of B. Castile, et al. (hereafter referred to as Castile). Further, the Office Action rejected claims 13-22 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent Application Publication No. 2004/0022394 of P.R. Michaelis (hereafter referred to as Michaelis). Also, the Office Action rejected claims 23-29 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent No. 4,932,050 of W.A. Davidson, et al. (hereafter referred to as Davidson). Further, the Office Action rejected claims 6-8, 30-34, and 35-37 under 35 U.S.C. §103(a) as unpatentable over Castile in view of Davidson. Finally, the Office Action objected to the Title. Claims 6-8, 23-29, and 30-37 are being canceled. Claims 18-22 are being amended.

**Objection to Title**

The title has been amended. The Office Action had suggested the title of "Method and Apparatus to Use Acoustic or Body Heat to Detect the Presence of a Person". Since claims 23-29 and 30-34 which were directed to the detection of a user utilizing body heat have been deleted, the inclusion of the words "body heat" in the title would be incorrect since the title should be descriptive of the invention as claimed as stated in M.P.E.P. §606.01. In addition, the title includes the fact that

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the determination is performed by a telecommunication terminal since this is the descriptive of the invention as claimed.

Rejection of Claims 1-5 and 9-12 under 35 U.S.C. §102(b) in View of Castile

Claim 1 recites the following:

A method for detecting presence of a user at a telecommunication terminal, comprising the steps of:  
testing acoustic paths communicating audio information from and back to the telecommunication terminal; and  
determining the presence of the user based on changes in the acoustic paths.

This rejection is respectfully traversed.

"Anticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984); *citing Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983) (emphasis added). Applicant respectfully submits that anticipation under 35 U.S.C. §102(b) based on Castile does not meet this requirements.

Claim 1 clearly recites the presence of a telecommunication terminal. Castile does not disclose such a telecommunication terminal. The Office Action states "testing acoustic paths communicating audio information from and back to the telecommunication terminal (Fig. 1-12 'transmitter', 14 'receiver', and 16, 19, 21 'acoustic signal paths', column 2 lines 36-43)". However, Column 2, lines 38-43, of Castile clearly

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states "as shown, one or more acoustic signals may be generated by one or more electro-acoustical transmitters 12 (only one being illustrated) and may be detected by one or more receivers 14 (only one be illustrated, which includes a sensor, such as a microphone, in an air space." Clearly, transmitter 12 and receiver 14 are not a telecommunication terminal.

Applicant respectfully submits that claim 1 is patentable under 35 U.S.C. §102 for the above reasons.

Dependent claims 2-5 are directly or indirectly dependent on claim 1 and are patentable for at least the same reasons as claim 1.

Claims 9-12 are patentable for the same reasons as claims 1-5.

Rejection of Claims 13-22 under 35 U.S.C. §102(b) in View of Michaelis

Claim 13 recites the following:

An apparatus for detecting presence of a user at a telecommunication terminal, comprising:

an echo canceller for canceling echoes caused by acoustic paths to audio information from and back to the echo canceller; and

a controller responsive to changes in the echo canceller for determining the presence and non-presence of the user at the telecommunication terminal.

This rejection of claim 13 is respectfully traversed.

The apparatus disclosed in Michaelis is directed to solving a different problem and performs different operations than those recited in claim 13. The apparatus of Michaelis is

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not concerned with detecting the presence or absence of a user but rather with alerting the user that there is an echo of the user's voice. Paragraph [0008], lines 1-7, states "In accordance with an embodiment of the present invention, a voice signal provided by a user is converted into an electronic signal by a microphone. The electronic signal is then provided to an echo detector. If the echo detector determines that there is an echo in the transmitted voice signal, and output signal notifying the user of the echo is provided." Paragraphs [0009] and [0010] detailed this operation. Clearly, Michaelis is not detecting the presence or non--presence of a user but rather determines the presence or non-presence of an echo.

The Office Action in Section 6 states "an echo canceller for canceling echoes caused by acoustic paths to audio information from and back to the echo canceller (Figs. 2A-B -- paragraph [0024] lines 1-9, and paragraph [0024] lines 14-17, i.e., echo canceller at a communication server or a switch)". Lines 1-9 of Paragraph [0024] make it very clear that it is the voice of the user to which the echo detector 208 is responding. Lines 14-17 do note that the echo detector 208 may be at a communication server or a switch; however, it is still the voice of the user and the resulting echo from the room in which the user is present that is being used to determine the presence or non--presence of an echo. Blocks 404-412 of Figure 4 and corresponding text in Paragraph [0030] give more detail on detection of presence or non--presence of an echo.

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Claim 13 clearly recites that "echo canceller for canceling echoes caused by acoustic paths to audio information from and back to the echo canceller". The audio information in claim 13 is not generated by the user but rather by the echo canceller.

Further in Section 6, the Office Action states "a controller responsive to changes in the echo canceller for determining the presence and non-presence of the user at the telecommunication terminal (Figs. 2A-B - paragraph [0024] lines 11-13)". Cited lines 11-13 state "echo detector 208 may include a processor 216 and memory 220. In the embodiment illustrated in FIG. 2A, the echo detector 208 is provided as part of a voice terminal 108. As". Applicant finds nothing in these cited lines or any place else in Paragraph [0024] or in other paragraphs of Michaelis that support this statement in the Office Action. Applicant would appreciate if the Examiner would point out where the Examiner finds support for this statement.

In view of the foregoing, applicant respectfully submits that claim 13 is patentable under 35 U.S.C. §102 in light of Michaelis.

Dependent claims 14-17 are directly or indirectly dependent on claim 13 and are patentable for at least the same reasons as claim 13.

Amended claims 18-22 are patentable for the same reasons as claims 13-17.

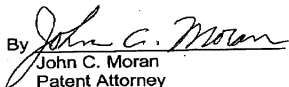
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Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicant's attorney at the telephone number listed below.

Respectfully,

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By



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